

Application No. 10/749,963  
Amendment Dated February 26, 2007  
Reply to Office Action of February 12, 2007

### **REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed February 12, 2007, claims 1-19 have been rejected. In response, the Applicant has submitted the following remarks and amended claims 1 and 8. Accordingly, claims 1-19 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

#### **Rejections Under 35 U.S.C. §112**

Claim 8 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claim 8 recites the limitation “the subject identification device” in line 2, and that there is insufficient antecedent basis for this limitation in the claim. By the above amendment, the Applicant has amended claim 8 such that the limitation “a subject identification device” has been amended to read “the identification device”, thus, providing proper antecedent basis to that limitation.

#### **Rejections Under 35 U.S.C. §102**

Claims 1-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,057,758 to Dempsey et al. (hereinafter Dempsey). The Applicant respectfully disagrees with this rejection.

Within the Office Action, it is stated that Dempsey teaches an identification device 404 that may input data representative of an identify of a subject of interest (referring to Figures 3 and 4). In fact, item 404 in the Dempsey reference is a transceiver, the transceiver 404 configured to interface the processor 400 with other elements on the local area network 102 (Dempsey, column 9, lines 20-26). From the Dempsey reference, it is clear that the transceiver 404 is configured to receive signals from the antenna 112 and transmit them to the processor 400, and is further configured to transmit signals from the

processor 400 through the antenna 112. However, the transceiver 404 of Dempsey is not configured to input data representative of an identify of a subject of interest from an information source, as is claimed and described in the present invention.

In contrast to the teachings of Dempsey, the portable electronic device of the present invention includes both a processing circuit and an identification device. The processing circuit, as is claimed in claim 1 and described in the specification, is configured to receive the notification messages indicating that a patient being monitored may have a condition that requires attention. The identification device, on the other hand, while coupled to the processing circuit, is configured to input data representative of an identity of a subject of interest from an information source. As described in the present invention in paragraphs 119 through 126, a subject/user identification device is used to identify a subject of interest other than a user, or a device that is used to identify a user of a caregiver receiver. As discussed above, Dempsey does not teach such an identification device configured in a portable electronic device used in conjunction with a processing circuit configured to receive notification messages.

The Applicant further notes that the network transceiver 120 of the present invention operates to receive the notification messages that a patient being monitored may have a condition, and delivers the same to the processing circuit 156. In other words, while the Examiner has cited item 404 of Dempsey as an identification device, the Applicant respectfully submits that the item 404 of Dempsey is more akin to the network transceiver 120 of the present invention. In sum, Dempsey does not teach a processing circuit capable of receiving a notification message and an identification device in the same portable electronic device for use in a medical monitoring system.

Claim 1 is directed to a portable electronic device for use in a medical monitoring system, wherein the medical monitoring system generates notification messages indicating that a patient being monitored may have a condition that requires attention and wirelessly transfers the notification messages to the portable electronic device, the portable electronic device comprising, a processing circuit configured to receive the

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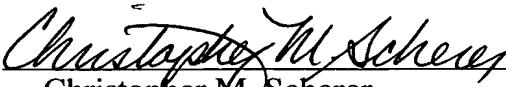
notification messages indicating that the patient being monitored may have condition that requires attention, and an identification device coupled to the processing circuit and configured to input data representative of an identify of a subject of interest from an information source at a distance from the identification device. As discussed above Dempsey does not teach a processing circuit and an identification device configured in the same portable electronic device for use in a medical monitoring system, wherein the processing circuit receives notification messages, and the identification device inputs data representative of an identify of a subject of interest. For at least these reasons, the independent claim 1 is allowable over the teachings of Dempsey.

Claims 2-19 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Dempsey. Accordingly, claims 2-19 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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